

FCC MAIL SECTION

ORIGINAL

II. BACKGROUND

Before the
Federal Communications Commission
Washington, D.C. 20554

MM Docket No. 92-168

In the Matter of

Modifying Renewal Dates for
Certain Stations Licensed
Under Part 74 of the
Commission's Rules; and

Revising FCC Form 303-S, Application
for Renewal of License for Commercial
and Noncommercial AM, FM or TV
Broadcast Station

NOTICE OF PROPOSED RULE MAKING

Adopted: July 24, 1992;

Released: August 4, 1992

Comment Date: September 28, 1992

Reply Comment Date: October 19, 1992

By the Commission:

I. INTRODUCTION

1. We initiate this proceeding on our own motion to consider changing the license renewal dates for several types of stations licensed under Part 74 of the Commission's Rules in order to simplify and reduce the paperwork associated with the renewal process. Specifically, we propose to change the license renewal dates of FM and TV translator stations and low power television ("LPTV") stations to that of full power stations operating in the same state.¹ We believe this action could streamline the license renewal process and eliminate unnecessary paperwork and administrative burdens on licensees and the Commission. In addition, we believe that the proposals contained herein could simplify the renewal process for interested members of the public. To this end, we also propose to revise FCC Form 303-S to permit the use of a single renewal application form by licensees of full power broadcast stations, which also seek to renew their commonly owned translator or LPTV stations that have the same renewal dates.

2. Unlike the license expiration schedule for most of the other services licensed under Part 74, the schedule for FM and TV translators and LPTV stations is not the same as that for full power broadcast stations in the same state. Translator and LPTV stations are licensed for terms determined by a uniform renewal schedule for the state in which they are located, but this schedule is not concurrent with the similar renewal schedule for full power stations.² Under current rules, then, a single licensee may be required to file, at different times, multiple applications with the Commission. The information called for by these separate application forms (FCC Forms 303-S and 348) is substantially similar in nature.

III. DISCUSSION

3. The difference in renewal dates places an unnecessary administrative burden on both licensees and the Commission. Currently, licensees of full power stations that own several translators or LPTV stations must file a separate renewal application for each station. This is true even where the full power station and the secondary station have the same renewal date or are located in the same state. By conforming the expiration dates of broadcast stations located in the same state, and allowing a broadcaster to file a single renewal application to cover all of its broadcast stations having the same renewal date, we could decrease the administrative burden to full power station licensees that also own translators or LPTV stations. In addition, it has been our experience that translator licensees often file renewal applications based on the expiration date of the primary station being rebroadcast. In such cases, the staff is required to return the renewal applications and any associated filing fees. Where a translator licensee fails to file a renewal application because of a mistaken understanding of the actual renewal date, the staff has to spend considerable time trying to determine the status of the translator station. In either instance, the confusion results in additional expenses to licensees and the waste of Commission resources. Further, we believe that under the current system, it may be more difficult than necessary for the public to follow the licensing process because different stations in the same area may have different renewal dates. This difficulty may be compounded by the fact that, in the case of translator stations, the translator retransmits notices announcing the license renewal of the primary station at a time when the translator's license is not being renewed.

4. We believe that the relicensing process could be structured more efficiently if we conform the renewal dates of FM and TV translators and LPTV stations to the license period of full power stations, and if we eliminate or minimize to the greatest extent possible multiple renewal filings by licensees of commonly owned full power and translator and LPTV stations. Further, we believe that public awareness of the renewal process would be maximized by such action.

¹ In accord with Section 74.15(f) of the Commission's Rules, licenses for independently owned TV broadcast auxiliary stations as defined in Section 74.601 are issued for a period of five years beginning with the date of grant. For reasons similar to those discussed *infra*, we propose to conform the license expiration

schedule of these auxiliary stations to that of full power TV broadcast stations operating in the same state.

² Compare Section 73.1020 with Section 74.15 of the Commission's Rules, 47 C.F.R. §§ 73.1020 and 74.15.

5. The information currently elicited from renewal applicants for full power commercial radio and TV broadcast stations is virtually the same as that called for from licensees of translator and LPTV stations seeking renewal of their stations.³ By conforming the license renewal dates in the manner proffered, and by revising FCC Form 303-S, we propose to allow licensees of full power radio and TV broadcast stations to utilize a single application form to renew simultaneously the authorizations for their commonly owned translators and LPTV stations that have the same license renewal dates.⁴ This proposal should further eliminate administrative and paperwork burdens and promote a better understanding of the renewal process on the part of our licensees and the public.

6. We are cognizant that the transition to a revised renewal schedule may implicate certain statutory considerations. Specifically, Section 307(c) of the Communications Act prohibits lengthening television and radio broadcast license terms beyond five and seven years, respectively. We also believe shortening the terms of existing licenses in these circumstances could result in confusion or unfairness. In order to avoid the problems associated with lengthening the term of current licenses for translator or LPTV stations, we propose to leave the terms of existing licenses unchanged, and we will continue to grant authorizations for new stations in accordance with the schedule set forth in 74.15(d) of the Commission's Rules. This will enable us to effectuate the proposed change in an efficient, comprehensive manner. For existing LPTV or translator stations, we would renew licenses, when the occasion arises, for a shorter term to expire in accordance with the schedule for full power broadcast stations set forth in Section 73.1020 of the Commission's Rules.⁵ We tentatively conclude that the public interest, convenience and necessity would be served by establishing greater consistency in the licensing process, as we now propose to do. The process of changing to the new schedule may require the filing of two applications for some LPTV or translator stations within a short period of time, but we believe this will ultimately result in greater efficiency. We invite comment on this proposal. Would adoption of our proposal, including one-time short-term renewals for some licensees, on balance reduce this burden? Are there merits to the current licensing structure that would be lost if the proposed change in renewal dates were adopted?

III. CONCLUSION

7. We have initiated this proceeding in order to make our licensing of stations authorized in Part 74 of the Commission's Rules more efficient and less burdensome to the public, licensees and the Commission. We believe that conforming the license period of certain TV broadcast auxiliary stations, translator stations and LPTV stations to the extent set forth above, with the license period of full power stations, will simplify our relicensing process and thus ease administrative and regulatory burdens.

³ Compare FCC Form 303-S with FCC Form 348.

⁴ Under Section 73.1020 and Section 74.15(d) of our Rules, broadcast stations are licensed by regions, consisting of one or more states. For example, the licenses of full power broadcast stations located in Delaware and Pennsylvania expire at the same time. Under our proposal, the licensee of a full power station would be permitted to file for renewal of the full power station and all LPTV and translator stations located in Delaware

IV. ADMINISTRATIVE MATTERS

Ex Parte Rules -- Non-Restricted Proceeding

8. This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in Commission rules. See generally 47 C.F.R. §§ 1.1202, 1.1203 and 1.1206(a).

Comment Information

9. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's Rules, interested parties may file comments on or before **September 28, 1992**, and reply comments on or before **October 19, 1992**. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and four copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room (Room 239) of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

Regulatory Flexibility Act

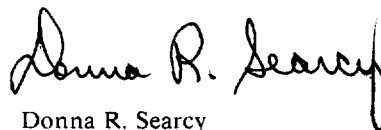
10. An Initial Regulatory Flexibility Analysis is contained in Appendix A of this Notice of Proposed Rule Making.

11. Authority for this action is contained in 47 U.S.C. Sections 154 and 303.

Additional Information

12. For additional information on this proceeding, contact Eugenia R. Hull or David E. Horowitz, Mass Media Bureau, (202) 632-7792.

FEDERAL COMMUNICATIONS COMMISSION



Donna R. Searcy
Secretary

and Pennsylvania on one application.

⁵ Section 307(c) of the Act authorizes the Commission to establish the period or periods for which licenses shall be granted or renewed and allows the Commission to grant or renew a license for a shorter period than that prescribed if the public interest, convenience or necessity would be served by such action. 47 U.S.C. § 307(c)

APPENDIX A

INITIAL REGULATORY FLEXIBILITY ANALYSIS

As required by § 603 of the Regulatory Flexibility Act, the Commission has prepared the following Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this document. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the *Notice*, but they must have a separate and distinct heading designating them as responses to the Regulatory Flexibility Analysis. The Secretary shall send a copy of this *Notice of Proposed Rule Making*, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act (Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. § 601 *et seq.* (1981)).

I. Reason for Action

The purpose of this *Notice* is to consider changes to the Commission's Rules governing the timing for renewal of TV auxiliary broadcast, FM and TV translator and low power TV station licenses.

II. Objectives

This action is intended to reduce unnecessary administrative and paperwork burdens on the Commission and on licensees of stations licensed under Part 74 of the Commission's Rules by simplifying the renewal process. In addition, this action is intended to clarify the renewal process for interested members of the public.

III. Legal Basis

Authority for the actions proposed in this *Notice* may be found in Sections 4 and 303 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154 and 303.

IV. Reporting, Recordkeeping, and Other Compliance Requirements

None.

V. Federal Rules which Overlap, Duplicate, or Conflict with the Proposed Rule

None.

VI. Description, Potential Impact and Number of Small Entities Involved

Approximately 8,000 licensees of all sizes may be affected by the proposals contained in this *Notice*.

VII. Any Significant Alternatives Minimizing the Impact on Small Entities and Consistent with the Stated Objectives

If adopted, the proposals contained in this *Notice* would reduce administrative burdens on small entities.